

Keep Racism Out of Our Schools Act

AN ACT Relating to keeping racism out of our schools; amending RCW 28A.410.260, 28A.345.---, and 28A.415.445; adding a new section to chapter 28A.415 RCW; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

INTENT SECTION

NEW SECTION. **Sec. 1.** The Washington Constitution, in Article IX, section 1, states, "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste or sex."

Washington Senate Bill 5044 – passed into law during the 2021 legislative session – addresses dealing with institutional or structural racism in public education. The passage of this bill conflicts with Article IX, Section 1 of the Washington Constitution by requiring school teachers, administrators and board members to undergo certain types of professional education training that encourage the treatment of school children with "distinction or preference on account of race," etc.

Specifically, SB 5044 mandates training in the 2023-2024 school year for public school staff and school board directors in the areas of "cultural competency, diversity, equity, and inclusions" with one of the purposes of the act being "dismantling institutional racism." Although SB 5044 does not mention "critical race theory" by name, it does use the term "institutional racism" – also known as systemic racism or structural racism – which is a key component of critical race theory.

"Critical race theory" is a divisive and socially corrosive belief

system that perpetuates discord among many people for the political benefit of a few. This initiative prohibits ANY form of racism or bigotry from being taught in Washington schools.

This initiative will be considered by the 2022 state legislature. If that legislature does not pass this initiative into law, by rejecting it or taking no action on it, then the voters will vote on this initiative on November 8, 2022.

KEEP RACISM OUT OF OUR SCHOOLS

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.415 RCW to read as follows:

The governance training programs identified or developed under section 5 of chapter 28A.345 (Senate Bill No. 5044, Laws of 2021), programs of courses, requirements, and other activities leading to educator certification described in section 6 of chapter 28A.410 (Senate Bill No. 5044, Laws of 2021), and the school district staff opportunities for training, professional development, and professional learning required under RCW 28A.415.445 may not contain, or instruct on, any of the following topics:

- (1) One race or sex is inherently superior to another race or sex;
- (2) The United States is fundamentally racist or sexist;
- (3) An individual, by virtue of their race or sex, is inherently racist, sexist, or oppressive;
- (4) An individual should be discriminated against or receive adverse treatment solely or partly because of their race or sex;
- (5) An individual's moral character is determined by their race or sex;
- (6) An individual, by virtue of their race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (7) Any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of their race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race; or
- (9) Any other form of race or sex stereotyping or any other form of race or sex scapegoating. For the purposes of this subsection, "race or sex stereotyping" means ascribing character traits, values,

moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of their race or sex, and "race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex. It similarly encompasses any claim that, consciously or unconsciously, and by virtue of their race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

Sec. 3. RCW 28A.410.260 and 2021 c ... s 5 are each amended to read as follows:

The Washington professional educator standards board shall:

(a) Develop or update cultural competency, diversity, equity, and inclusion standards of practice for preparation, continuing education, and other training of school district staff;

(b) Collaborate with the Washington state school directors' association to compare and align the standards of practice developed under (a) of this subsection with the standards of governance developed under section 3 of chapter 28A.345 (Senate Bill No. 5044, Laws of 2021). The review must include the educational opportunity gap oversight and accountability committee and may include the office of equity established under RCW 143.06D.020; and

(c) Post on its public website the cultural competency, diversity, equity, and inclusion standards of practice for school district staff.

(2) The Washington professional educator standards board shall develop and periodically update rubrics to evaluate the alignment of training and professional development programs and related materials with the cultural competency, diversity, equity, and inclusion standards of practice for school district staff developed under subsection (1) of this section.

(3) By November 1, 2030, and every 10 years thereafter, the Washington professional educator standards board shall review the definitions in section 2 of chapter 28A.415 (Senate Bill No. 5044), Laws of 2021) and the cultural competency, diversity, equity, and inclusion standards of practice for school district staff developed under subsection (1) of this section and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature any recommendations for revising the definitions in section 2 of chapter

28A.415 (Senate Bill No. 5044, Laws of 2021).

(4) For purposes of this section, "cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in section 2 of chapter 28A.415 (Senate Bill No. 5044), Laws of 2021).

(5) The governance training programs may not contain, or instruct on, any of the topics listed in section 7 of chapter 28A.343 (Senate Bill No. 5044, Laws of 2021) and must comply with section 2 of this act.

Sec. 4. RCW 28A.345.--- and 2021 c ... s 5 are each amended to read as follows:

(1) The Washington state school directors' association shall identify or develop and periodically update governance training programs that align with the cultural competency, diversity, equity, and inclusion standards for school director governance developed under section 3 of chapter 28A.345 (Senate Bill No. 5044, Laws of 2021). The governance training programs must also include building government-to-government relationships with federally recognized tribes, multicultural education, and principles of English language acquisition. Governance training programs may be developed in collaboration with other entities.

(2) Beginning with the 2022 calendar year, the Washington state school directors' association shall provide a governance training program identified or developed under subsection (1) of this section at the frequency necessary for school directors to meet the requirement in section 7 of chapter 28A.343 (Senate Bill No. 5044, Laws of 2021).

(3) For purposes of this section, "cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in section 2 of chapter 28A.415 (Senate Bill No. 5044, Laws of 2021).

(4) The programs of courses, requirements, and other activities leading to educator certification may not contain, or instruct on, any of the topics listed in section 7 of chapter 28A.343 (Senate Bill No. 5044, Laws of 2021) and must comply with section 2 of this act.

Sec. 5. RCW 28A.415.445 and 2021 c ... s 8 are each amended to read as follows:

(1) Beginning in the 2020-21 school year, and every other school year thereafter, school districts must use one of the professional

learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

(2)(a) In the 2021-22 school year, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Cultural competency, diversity, equity, or inclusion.

(b) Beginning in the 2023-24 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to provide to school district staff a variety of opportunities for training, professional development, and professional learning aligned with the cultural competency, equity, diversity, and inclusion standards of practice developed by the Washington professional educator standards board under RCW 28A.410.260. Alignment with the standards of practice must be evaluated using the rubrics developed under RCW 28A.410.260. The opportunities must also include training on multicultural education and principles of English language acquisition.

(3) For the purposes of this section:

(a) "Cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in section 2 of chapter 28A.415 (Senate Bill No. 5044), Laws of 2021).

(b) "School district staff" includes classified staff, 33certificated instructional staff, certificated administrative staff, 34and superintendents.

(4) The opportunities described in this section may not contain, or instruct on, any of the topics listed in section 7 of chapter 28A.343 (Senate Bill No. 5044, Laws of 2021) and must comply with section 2 of this act.

CONSTRUCTION CLAUSE

NEW SECTION. **Sec. 6.** The provisions of this act are to be liberally construed to effectuate the policies, purposes, and intent of this act.

SEVERABILITY CLAUSE

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

TITLE OF ACT

NEW SECTION. **Sec. 8.** This act is known and may be cited as the Keep Racism Out of Our Schools Act.

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